

DAILEY J. DERR

Mediator, Arbitrator and Attorney

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Alternative Dispute Resolution Experience

Mediator

North Carolina Superior Court Mediator certified by North Carolina Dispute Resolution Commission since 1996. American Arbitration Association Mediator since 1990. For American Arbitration Association, mediated highly contested, multi-faceted construction dispute among a general contractor, a municipality and an engineer to a resolution and also in another matter was both the chair of the arbitration panel and the mediator in a four party arbitration-mediation of a substantial construction dispute among an owner, architect, general contractor and a subcontractor. Also have mediated a variety of disputes in United States District Courts in North Carolina and North Carolina Superior Courts and numerous pre-litigation voluntary mediations, but mainly construction, real estate and contract and other commercial matters.

Arbitrator

American Arbitration Association arbitrator since 1985. Have served on arbitration panels as chairman and/or member and as individual arbitrator for American Arbitration Association and as chairman and/or member and as individual arbitrator for private common law arbitrations and as third-party neutral arbitrator for variety of construction and commercial contract disputes involving complex issues and substantial amounts in controversy.

Attorney

As the attorney for one or more of the parties have participated in many arbitrations and mediations.

Alternative Dispute Resolution Training

American Arbitration Association: Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2006; ACE004 - Dealing With Delay Tactics in Arbitration, 12/05; ACE001 - Arbitration Awards: Safeguarding, Deciding & Writing Awards, 03/05; Annual Arbitrator Update 2002; AAA Construction Arbitrator II Training, Atlanta, 4/02; AAA Construction Industry Arbitrator Training, Charlotte, 6/97; Duke University Private Adjudication Center Mediation Training, Durham, 5/96; AAA Mediation Training, Charleston, 8/90.

Legal Experience

In the private practice of law in the Research Triangle Park area since 1972 as shareholder, partner, and counsel with the following: Dailey J. Derr, P.A., Sands, Anderson, Marks & Miller, PC; Harlow, Derr & Stark; Harris, Mulligan, Embree, Herbert & Derr; and Everett, Everett, Creech & Craven.

Areas of practice: Construction law, commercial law and regulatory law, including negotiation, litigation, arbitration and mediation of disputes and commercial real estate. High-level experience representing a broad spectrum of companies. Successful civil litigation experience. Proven ability to provide counsel to corporate clients in wide-ranging matters including transactions, products warranty drafting, employment issues, regulatory compliance and litigation. Decade representing U.S. subsidiary of international company as outside general counsel in all matters.

Special Master in United States of America for the use and benefit of All State Environmental Dredging, Inc. v. Global Construction, Inc. and United States Fidelity And Guaranty, Civil Action No. 2 03 2768 18, U.S. District Court for the District of South Carolina, Charleston Division (2005-2007).

Law Clerk to the Honorable Franklin T. Dupree, Jr., U.S. District Court, Eastern District of North Carolina, Raleigh, North Carolina (1972).

Bar Admissions

North Carolina and District of Columbia

Jurisdictional Admissions

United States Supreme Court, United States Court of Federal Claims, United States Fourth Circuit Court of Appeals and United States District Courts for North Carolina.

Distinctions

Martindale-Hubbell Law Directory AV Rating and Bar Registry of Preeminent Lawyers 2008 in Construction Law and United States Fourth Circuit Court of Appeals Judicial Conference, Permanent member.

Affiliations

American Bar Association (Forum Committee on Construction Industry; ADR Section and Litigation Section); North Carolina Bar Association (Chairman, Private and Public Contract Committee; Founding Council Member, Construction Law Section; ADR Section and Litigation Section); Durham County Bar Association (Past President); Annual Meeting of Invited Attorneys (Co-sponsored by the American Institute of Architects, Professional Engineers in Private Practice, and Victor O. Schinnerer & Co., Inc.); Associated General Contractors of America (Associate Member, Carolinas Branch and Member, Joint Committee of NCBA Construction Law Section and Carolinas Association of General Contractors); and Professional Construction Estimators Association of America, Inc. (Triangle Chapter).

Education

Juris Doctor, University of North Carolina at Chapel Hill, School of Law, Chapel Hill, North Carolina, 1971, Masters in Government (Public Administration), The George Washington University, Washington D.C., 1966 and Bachelor of Arts (History), University of North Carolina at Chapel Hill, 1964.

Seminars and Publications

Course Planner, author and presenter of numerous seminars and other forums covering multiple areas of construction law, commercial real estate transactions, arbitration, mediation and other forms of alternative dispute resolution, law office management and ethics for North Carolina Bar Association and Foundation, American Arbitration Association, Wake Forest School of Law Continuing Legal Education, Professional Construction Estimators Association of America, Inc., HalfMoon, LLC, Lorman Education Services, Inc. and various construction companies.

Teaching Experience

Private practice faculty for National Institute for Trial Advocacy (NITA), “Negotiation Skills for Lawyers,” University of North Carolina School of Law; Instructor in Paralegal Civil Litigation, Durham Technical Community College; Clinical Associate in Trial Advocacy, Duke University School of Law; Instructor in Political Science, Meredith College.

Public Service Experience

United States Post Office Department, Special Assistant to the Executive Assistant to the Postmaster General (1968 – 1969); Office of Management and Budget, Executive Office of President, Assistant Administrative Services Office and Assistant Security Officer (1965 – 1966) and Office of U.S. Senator Samuel J Ervin, Jr., patronage position (1964 – 1965).

Community and Church Activities

Habitat for Humanity of Durham County, Inc. (Board of Directors); Camp New Hope and Conference Center, Inc. (Board of Directors); Kiwanis Club of Durham (Distinguished Past President); Westminster Presbyterian Church of Durham (Clerk of Session, Elder, Deacon, Adult Forum Sunday School Teacher and Stephen Minister).

Military Experience

United States Army Reserve and North Carolina National Guard Adjutant General's Corps, First Lieutenant.